

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Batra et al.

Serial No. To Be Assigned

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J1036 U.S. PTO  
09/09/01  
05/28/01

Examiner: To Be Assigned

Assistant Commissioner for Patents  
Washington, D.C. 20231INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application.

This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

## EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT June 28, 2001  
EXPRESS MAIL NO. EL523900680US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS EXPRESS MAIL, "POST OFFICE TO  
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FOR PATENTS, WASHINGTON, D.C. 20231.

MAILED BY J.B. Crowley  
DATE 6/28/01

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

MERCK &amp; CO., INC.

By \_\_\_\_\_ Date \_\_\_\_\_

## INFORMATION DISCLOSURE STATEMENT

4. Copies of the references listed on the attached form are not enclosed because they have been submitted to or cited by the Office in a related application as follows:

| RELATED APPLICATION |              |            |
|---------------------|--------------|------------|
| U. S. SERIAL NUMBER | FILING DATE  | MERCK CASE |
| 09/312,617          | May 17, 1999 | 20243      |
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upon which the instant application relies for an earlier filing date under 35 U.S.C. 120. Therefore, pursuant to 37 C.F.R. 1.98(d), copies of these references are not enclosed herewith. If this is inconvenient, additional copies will be submitted upon request.

5. In accordance with 37 C.F.R. 1.97, (check one)

the attached information is filed within three months of the filing date of the captioned case.

the attached information is filed more than three months after the filing date but prior to a first Official Action on the merits.

the attached information is being filed more than three months after the filing date and after receipt of the first Office Action on the merits, but before Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

the undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of the statement.

Respectfully submitted,

Kenneth R. Walton

By: Kenneth R. Walton

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